

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 5 June 2018 15:52
To: [REDACTED]
Subject: RE: DBN18/00218 - data breach notification [SEC=UNCLASSIFIED]

Dear [REDACTED],

After reviewing all the information provided, the OAIC does not intend to take any further action in response to your data breach notification at this time. Our file is now closed.

Your assessment of the data breach, that risk of serious harm to the subject of the disclosure is unlikely, means notification to that individual is not necessary in these circumstances.

Thank you for drawing this incident to the OAIC's attention.

Kind Regards

[REDACTED] | [REDACTED] | [REDACTED]
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone: [REDACTED] | Fax: + [REDACTED] | [REDACTED]

From: [REDACTED]
Sent: Tuesday, 5 June 2018 10:08 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: DBN18/00218 - data breach notification [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good morning [REDACTED]

My team is responsible for managing the protected disclosure (**whistleblower**) scheme contained within Part 4A of the [Fair Work \(Registered Organisations\) Act 2009](#) (**RO Act**) on behalf of the Registered Organisations Commission (**ROC**).

As the officer responsible for managing that team, I took personal responsibility for handling this matter as soon as I became aware of the data breach.

A protected disclosure can be made by specified categories of person about the registered organisation with which they have a connection (s.337A, RO Act). For example, a CPSU member can make a whistleblower disclosure about the CPSU (but not about the CFMMEU unless they separately have the relevant s.337A connection).

Therefore, the likelihood of the identity of a whistleblower being revealed to the subject of the disclosure (i.e. the organisation or official), depending on the nature of the allegations and the structure of the organisation, may be quite high – e.g. if it is about conduct by an official, which is not widely known.

For reasons such as this, the ROC always asks for the express written (or email) consent of the whistleblower before contacting the organisation/official about whom the disclosure has been made. The ROC seeks to avoid a situation where it might facilitate the identification of the whistleblower and therefore the taking of reprisals.

I made an assessment that the risk of reprisals, as defined in s.337BA of the RO Act, against the whistleblower was likely to significantly increase if I informed the subject whose conduct was disclosed. This was also in circumstances where the whistleblower had separately expressly declined to consent to the ROC contacting the organisation.

I also considered that the risk of any harm to the subject of the disclosure did not amount to a risk of serious harm but that, conversely, there would be a risk of serious harm to the whistleblower if details were provided to the subject.

I therefore request that if the OAIC is considering contact with the subject of the disclosure (or requesting that the ROC do so), that the OAIC consult with the ROC on the wording of that contact to minimise the risk to the whistleblower.

If you require any further details, please feel free to contact me at your convenience.

Best regards

[Redacted signature]

Registered Organisations Commission

[Redacted contact information]

GPO Box 2983, MELBOURNE VIC 3001 | [Redacted contact information]

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From: [REDACTED]
Sent: Tuesday, 5 June 2018 9:36 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: DBN18/00218 - data breach notification [SEC=UNCLASSIFIED]

Our reference: DBN18/00218

[REDACTED]

Thank you for your time on the phone yesterday afternoon. As discussed, our office is seeking further information to explain ROC's decision to only notify the protected discloser named in the correspondence sent to the incorrect email address, rather than both individuals named in the correspondence.

We would appreciate this information by 12 June 2018. Please do not hesitate to let me know if you have any questions.

Regards,

[REDACTED] | [REDACTED] | [REDACTED]
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au
Phone: [REDACTED] | Fax: [REDACTED] | [REDACTED]

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